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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,464	10/01/2003	Benjamin Chu	239709US23	5537

22850 7590 11/18/2005

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EXAMINER

TENTONI, LEO B

ART UNIT PAPER NUMBER

1732

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,464

Applicant(s)

CHU ET AL.

Examiner

Leo B. Tentoni

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1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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#### **DETAILED ACTION**

1. The rejection of claims 1-36 under 35 USC § 102(b) as being anticipated by Moosmayer et al (U.S. Patent 4,904,174 A) set forth in the previous Office Action (mailed on 25 July 2005) is withdrawn.

#### ***Election/Restrictions***

2. Claims 37-40 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 05 July 2005.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Reneker (U.S. Patent 6,695,992 B2).

Reneker (see the entire document, in particular, col. 3, lines 39-65; col. 10, lines 5-8 and 36-56) teaches a process of making fibers by electroblowing including the steps of forcing a polymer through a spinneret in a first direction towards a collector while simultaneously blowing a gas (in a first direction) through an orifice arranged concentrically around the spinneret, generating an electrostatic differential between the spinneret and the collector and collecting the fibers.

5. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (U.S. Patent Application Publication 2005/0067732 A1).

Kim et al (see the entire document, in particular, paragraphs [0006] and [0017]) teach a process of making fibers by electroblowing including the steps of forcing a polymer through a spinneret in a first direction towards a collector while simultaneously blowing a gas (in a first direction) through an orifice arranged concentrically around the spinneret, generating an electrostatic differential between the spinneret and the collector and collecting the fibers.

***Response to Arguments***

6. Applicant's arguments filed on 29 September 2005 have been fully considered but they are not persuasive.

7. Applicant argues (page 3) that Reneker teaches spaced slits through which polymer is allowed to flow to form a film, and the Reneker does not teach a spinneret and does not teach blowing gas through an orifice that is substantially concentrically arranged around the spinneret. Examiner responds that the structure recited by Reneker is a spinneret-type of structure, a plate having openings through which polymer material flows, and blowing gas through an orifice (see Fig. 2) which meets the limitation of substantially concentrically arranged around the spinneret-type structure.

8. Applicant argues (page 4) that Reneker does not teach that an electrostatic differential is maintained between a spinneret and a collector. Examiner responds that Reneker does teach this feature (col. 10, lines 5-8).

9. Applicant argues (page 4) that Reneker teaches forming a film which is then impacted by blowing gas to generate fibers, not using blown gas to assist the electrostatic potential difference to form fibers. Examiner responds that Reneker meets the claimed limitation of blowing gas through an orifice that is substantially concentrically arranged around a spinneret,

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regardless of purpose (i.e., impacting a film of polymer or assisting an electrostatic potential difference).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Leo B. Tentoni*

Leo B. Tentoni  
Primary Examiner  
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